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**A New "Stairway to Moral Heaven"?  
Systematic Reconstruction of Stages of  
Moral Thinking Based on a Piagetian  
"Logic" of Cognitive Development**

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**GERHARD MINNAMEIER**

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construction of Stages of Moral Thinking Based on a  
Piagetian "Logic" of Cognitive Development**

# A New “Stairway to Moral Heaven”?

## *Systematic Reconstruction of Stages of Moral Thinking Based on a Piagetian “Logic” of Cognitive Development*

Paper presented at the annual conference 2000 of the Association for Moral Education (AME),  
held in Glasgow from 7 to 11-07-2000, 8 July 2000

### **1 Introduction: Taking structural genetics seriously**

Despite all the criticism in various respects which has accompanied Kohlberg’s theory of moral development throughout the last three decades, it still seems to be “alive and well”. On the one hand, this might be due to a fundamental “catch” which, for all the problems with this theory, is still thought to be valid – namely the idea of different levels of complexity within the realm of moral judgement. On the other hand, the fact that all the shortcomings, too, have survived the constant criticism may be due to a lack of better alternatives – although there have been very interesting proposals, especially Eckenberger’s (cf. e.g. 1998) four-level approach or sociobiological theories, not to mention the more or less fundamental modifications that have been suggested within the Kohlbergian framework (c.f. e.g. Beck et al. 1999; Rest et al. 1999).

In this paper, a new “stairway to moral heaven” (cf. Fig. 1) is set forth in its main characteristics (for a detailed treatment as well as further theoretical foundations cf. Minnameier 2000a and b), which builds up, in principle, on Kohlberg’s own (or rather Piaget’s) fundamental approach of structural genetics, while trying to overcome its deficiencies in the reconstruction of moral stages. Kohlberg himself has claimed that what he calls “hard stages” should be characterized by “precision in their articulation of a structural logic of stages” (1984, p. 238). Nonetheless, he seems to have failed exactly with respect to this basic requirement (cf. e.g. Rest 1984; Tomlinson 1986). Here now, a structural developmental logic will be expounded that allows to successively (re)construct stages of moral thinking *out of one another*. Starting from what could be

described as a basic moral cognition, it can be shown how each stage leads into a specific paradoxical problem which can, however, always be resolved with the principle of the next stage up the hierarchy. It should therefore be noted that the proposed stage hierarchy is neither the result of trying to systematise empirical data nor of theoretical reflections on the system of moral stages as such. Rather these stages have been (re)constructed “genetically” in applying general developmental principles to the realm of moral cognition.

For this reason the new “stairway” may quite rightly stand for itself for the time being without having to be compared systematically with the Kohlberg theory or other approaches right away in this article (Kohlberg experts will nonetheless be able to establish relations between the two systems immediately). However, a few serious problems concerning the Kohlberg theory, which do not occur within the proposed alternative will be briefly discussed.

In the following sections I will at first outline the developmental principles already mentioned in the context of moral thinking (chap. 2). With respect to these principles I rely heavily on one of Piaget’s last works in collaboration with R. Garcia (1989), in which the authors have reshaped Piagetian equilibration theory from the bottom to the top, reconstructing development as proceeding across dialectical triples of stages. A first examination of how such developmental triples are connected leads on to chap. 3, in which the first set of  $3 \times 3 = 9$  stages are reconstructed genetically and illustrated by common examples of moral reasoning. A more thorough analysis of the overall connections of the fine-grained stage triples and “levels” as well as “major levels” follows in chap. 4, in which also the aspects are explained according to which those major levels, levels, and stages are differentiated (cf. Fig. 1).

Of course, there is not enough room to describe all 27 stages (as they are  $3 \times 3 \times 3$  altogether) in detail. Therefore, after having shown how development works in principle, I will limit myself to give a broad outline of the remainder of stages in chap. 5. By way of the systematics of the approach it should be possible to obtain an idea of what all the higher stages are roughly about – at least in conjunction with some instructive examples, which are taken from the historical development of philosophical ethics (note that it has also been tried to reconstruct progress in this realm with the help of the new stage theory in Minnameier [2000a]).

In chap. 6 conclusions are drawn with respect to some well known problems of Kohlberg’s stage hierarchy.

ASPECTS OF MORAL REFLECTION			current
<b>Universalisation</b> <i>(of the moral point of view)</i>	<b>Neutralisation</b> <i>(of the subjectivity of values)</i>	<b>Equalisation</b> <i>(of valid claims)</i>	nr.
Major Level III (trans)	Level III3 (trans)	Stage III3c (trans)	27
		Stage III3b (inter)	26
		Stage III3a (intra)	25
	Level III2 (inter)	Stage III2c (trans)	24
		Stage III2b (inter)	23
		Stage III2a (intra)	22
	Level III1 (intra)	Stage III1c (trans)	21
		Stage III1b (inter)	20
		Stage III1a (intra)	19
Major Level II (inter)	Level II3 (trans)	Stage II3c (trans)	18
		Stage II3b (inter)	17
		Stage II3a (intra)	16
	Level II2 (inter)	Stage II2c (trans)	15
		Stage II2b (inter)	14
		Stage II2a (intra)	13
	Level II1 (intra)	Stage II1c (trans)	12
		Stage II1b (inter)	11
		Stage II1a (intra)	10
Major Level I (intra)	Level I3 (trans)	Stage I3c (trans)	9
		Stage I3b (inter)	8
		Stage I3a (intra)	7
	Level I2 (inter)	Stage I2c (trans)	6
		Stage I2b (inter)	5
		Stage I2a (intra)	4
	Level I1 (intra)	Stage I1c (trans)	3
		Stage I1b (inter)	2
		Stage I1a (intra)	1

*Fig. 1: Overview of the stage hierarchy*

## 2 The structural genetics of moral development

According to Piaget and Garcia (1989), cognitive development in general proceeds in dialectical triples of stages starting from an “intra”-stage via an “inter” to a “trans”-stage of development. Basically this means that – whatever the specific context – first different forms of a thing or a concept are *differentiated* (intra), then *related* (inter) and finally *integrated* into a complex whole (trans) (cf. Fig. 2).[1]

In terms of moral thinking the ground-laying idea or insight that constitutes basic morality as such is perhaps the understanding that others have their own needs and desires just like oneself. As long as children are entirely egocentric in even this respect, they cannot put themselves in other people’s shoes at all. Consequently, there is no moral problem and nothing to which moral reasoning could possibly relate. On top of this, it may also be speculated that a person can only acquire consciousness of what he or she really wants when they are able to distinguish their own wishes from those of others (following Spinoza’s famous principle *omnis determinatio est negatio*). After all, reflection on one’s own desires implies a third person perspective with respect to oneself, which logically entails the possibility to conceive of other people’s situations as well.

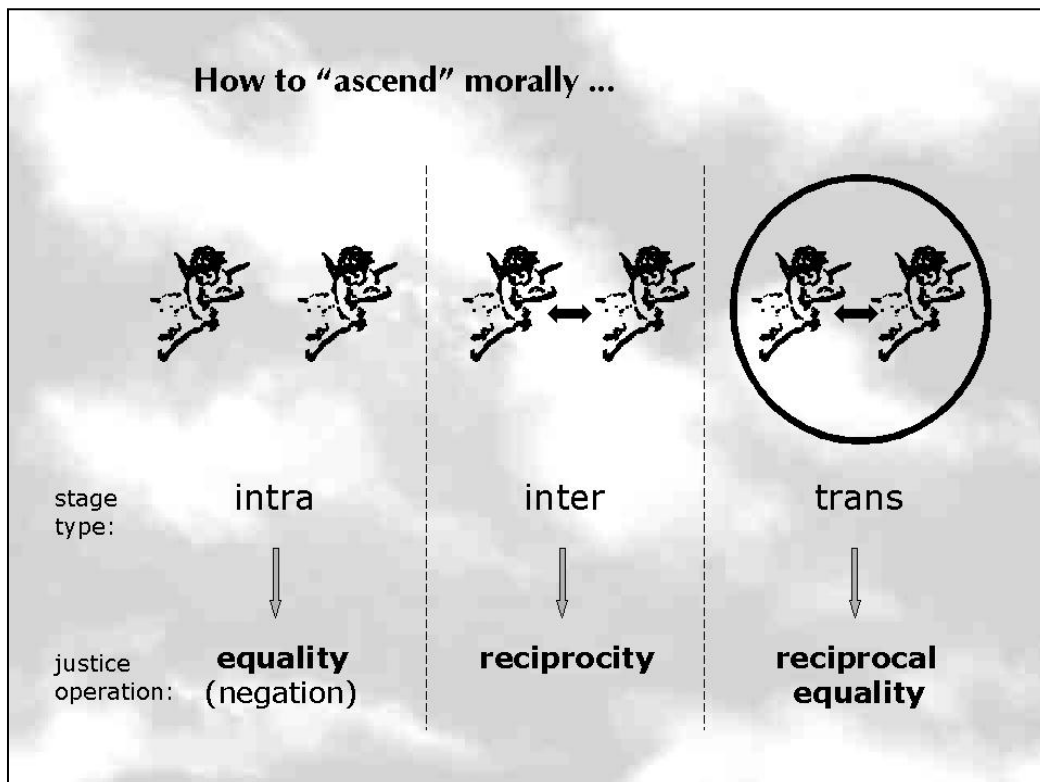


Fig. 2: The dialectical stage triple and justice operations in the moral context

So, at the first stage (I1a) one recognises that others have their needs, desires, and feelings as well and therefore have valid claims in their own right. This perspective already allows to appeal to others trying to explain or vindicate what one wants and perhaps to convince them to meet those claims. The main problem, however, is that the individual positions cannot yet be mutually related from a neutral, disinterested point of view. One can only look at things from one's own position *or* from that of one's counterpart, but not both at that same time.

Reinterpreted in the light of specific "justice operations" (that are taken over from Kohlberg as basic concepts, but fundamentally reshaped and pointed in their specific meaning), the intra-stage – in fact, any moral cognitive intra-stage as shown below – results from the equality operation (or "inversion" in the more general Piagetian terminology), in that different subjects are accorded an equal status as in the saying "Everybody has to mind his own business".

That is why this first stage is an "intra"-stage. And the problem just mentioned involves a real contradiction – or rather a logical antinomy, to be precise. Such an antinomy can be revealed for each stage (cf. Minnameier 2000a), but here I can only spell out one example: If one in fact tries to take the two positions at the same time (which are already differentiated and can thus both be looked at), it means that you treat the individuals' positions (or their proper names) as variables and exchange them in order to project them onto each other. This cognitive procedure yields the paradoxical result that (from the other's point of view) one wants exactly what one does not want (from one's own perspective) and the other way round. To cut it short: "You want what you don't want and you don't want what you want."

This contradiction can be eliminated by establishing a mediating mechanism – something that is built in *between* the two sides. A rule of this kind that children learn fairly early in their lives is that one has to take turns when two or more individuals e.g. want to play with one and the same toy at the same time. An other example is the "fifty/fifty"-rule which applies whenever there is something to be divided, in order to allot everyone an equal share (Stage I1b).

However, the same share is not always a fair share. Imagine a child who has got a fascinating new toy for Christmas and that now friends come round who are all keen to play with it. Given that the owner can play as long as he wants while he is alone and that the others can only use it for a short time each during their visit, would it not be just, if the owner refrained completely and let the others have it, say, for this one afternoon? Or think of a child with well-off parents, who has got lots of sweets, and a poor child with nothing. There is no way that the two could just give each other half of what they have. What has to be taken into account, therefore, is the disequilibrium in the satisfaction of needs that exists already beforehand, and this would have to be balanced instead of a mere transactional equality (or reciprocal exchange). Thus, this new principle of the third stage does not only focus the exchange mechanism *between* the different



agents but takes into account the individual differences as well in order to reach an ex post equality in terms of needs satisfaction (reciprocity combined with equality).

### **3 Towards higher levels of moral development: How developmental stage-triples are connected**

Equilibrated as this thinking on the third stage is in relation to the overall balancing of individual needs it does not account for inter-individual differences in preference orders. Thus, it only pretends to weigh claims from an overarching neutral point of view, but in fact falls short of it. Different people may have different tastes just like “beauty is in the eye of the beholder”. At the third stage one still projects the own preferences into others, ignoring their basic *subjectivity*.

This is recognised at Stage I2a, where one would e.g. claim that you cannot be forced to do something (for the sake of someone else), if it is something you do not like (e.g. if others want you to play football with them). This goes along with the claim that one has to respect the individual desires of others, even and especially if they would never be one’s own. So, without falling back behind the principle of Stage I1c (which is still valid as long as no value differences are involved), a new differentiation is made, implying again an unbridgeable gap between individuals (as it seems from this stage’s point of view) – here under the aspect of each having different likes and dislikes (I2b). But they can be brought together, not by just giving everybody the same – as at Stage I1b –, but by negotiating a mutual exchange, which is then thought to be balanced in terms of reciprocity, because both sides calculate what they would have to give and what they would get in return. A good example of Stage I2b is the reciprocal promise. Children often promise each others (or their parents) to do something they dislike in return for something they like.

Interestingly enough, children first think it is perfectly alright that if someone does not keep his promise he or she will simply not get anything in return. Later on, however, they understand that others may rely on one’s promises and could be deceived, if they did not get what was promised (e.g. when they are let down by a friend, who promised to help with some work and now does not turn up).[2] It is not anymore thought to be just, then, to cancel the whole “deal”, because one fails to fulfil the duty one has taken on with the promise. This new stage (I2c), therefore, goes beyond the mere reciprocity of Stage I2b in that there is now an overall concept of balancing individual preferences from a trans-individual perspective, which evaluates what things mean to the people concerned, rather than only their reciprocal value for oneself.

Generally speaking, this is the stage of virtues like e.g. “showing consideration for the elderly” (as old people have special needs, wishes or problems that young people do not have and

that may be more important than one's own interests) or a feeling of responsibility as in the promise.

But of course a new problem arises: What if people come to different conclusions as to what should be appropriate from the perspective of Stage I2c? Obviously there is a second order relativity coming into play that cannot be treated at this stage. Rather, reaching an overall balance of individual preferences – as it now becomes obvious – presupposes a common ground across the subjects involved – a trans-individual basis, which cannot be established by applying the principle of Stage I2c, but has to be there in the first place as a starting point.

It follows that the only way to evade – or better: overcome – this conflict is to start from a somewhat societal point of view, instead of trying to generate it as a result of mutual consideration and compromising. Such a common ground is established by fundamentally relating to groups, to which one belongs or feels affiliated – which implies that these groups are separated from other groups, yielding a new intra-stage at yet another level. Thus, the unitary moral concept of Stage I2c is split up again as the individual becomes conscious that this type of trans-individual balancing requires a commitment to a certain group as a whole, the boundaries of which are to be drawn where individuals fail to cohere with the group (Stage I3a).

This widens the perspective in two respects: Firstly, the view is extended towards people with whom one has not much or even nothing to do, who might be in competition with one's own "lot" and who would formerly have been treated as immoral (for their unwillingness to be considerate) or perhaps as irrelevant. Secondly, whereas individual preferences have been related to each other in different ways from Stage I2a to I2c, they are now integrated into single social units. Typical for Stage I3a is the principle that friends/ the family/ fellow countrymen and so on have to stick together.

However, problems may arise, when such groups cannot develop independently of one another. Once they interfere or clash, there is a need to relate their claims. This is known from ancient history, when social systems became larger and went beyond the boundaries of families or clans and leads on to a new and superior inter-Stage (I3b). At that time in antiquity, the principle of retaliation became prominent – in its negative ("an eye for an eye and a tooth for a tooth"), but also in its positive variant. Note that in contrast to the lower stages, this principle clearly goes beyond the boundaries of affiliation and sympathy as well as the narrow focus of kinship and the like.

In the extreme, though, this principle might trigger a spiral of retaliation. Here it becomes obvious that this principle is not perfect, either. It established only a mechanism of action and reaction, but what is needed is a comprehensive point of view, suitable to encompass those to-ings and fro-ings as a whole. Such a perspective consists in the idea that there must be some true

or absolute justice, as used to be incorporated in the ancient prophets and emperors, who had either been looked at as mediators between the gods and mankind or as gods themselves. Turning back to psycho-genetics, this point of view prevails in children as long as they rely on authorities, whom they consider as “knowing” what is morally right and wrong.

In a way, this aspect of absolute morality is inherent in all the nine stages described so far, in that all these principles are understood as being of an irrefutable and eternal validity. None of these principles is based on the idea of interindividual consent, and none of them has been derived from the social situation of man. In fact, they have not been derived from anything, they have all been generated by an individual, who tried to define his own position in relation to the social world around him- or herself. In this respect the perspective has always remained egocentric. And perfectly in line with Kohlberg on this point, I argue that across those first stages no difference is made between the individual’s moral point of view and a societal, formal or absolute standard. Rather, the individual (mis)understands the various stage-principles as basic moral “truths”. For this reason, Kohlberg’s concept of “moral realism” seems appropriate for the whole of these nine stages. Only with the insight, that eventually there is no absolute authority to tell right from wrong, does this become plain to the individual.

This analysis takes us on to the next chapter about different moral aspects and their relations.

#### **4 What aspects of moral reflection there are and how they are connected**

Starting with the “connection”-part of this chapter’s heading, it turns out – as a result of the above discussion – that there is a specific difference between the intra-types of development in terms of the fine-grained “stages” and those with respect to “levels” and “major levels”.

The *differentiation* of forms in terms of the intra stage seems to be peculiar to *stages*, because on each intra-stage a certain form and its complementary negations are distinguished (or generated), whereas things are quite different on the intra-levels and the intra-major level as such. On Level I1 e.g. (Stages I1a-c) the aspect that values are subjective is entirely ignored. There is no consciousness for it; this only comes in with the progression onto Stage I2a at Level I2. The same applies to the first major level (I) – as shown at the end of the previous section – it is only revealed at the brink of Major Level II that one has always adhered to an absolute concept of morality, which is now recognised as being egocentric.

This shows that levels cannot be conceived of as forms of moral thinking in their own right, but have to be realised in terms of a “stage”. This also becomes clear when the specific

aspect, under which stages are differentiated, is taken into account. I have called it the aspect of “equalisation” as there are always individual claims that are first posited or acknowledged (intra), then balanced reciprocally (inter) and finally integrated (trans) as described extensively above. Now, with every new level novel (and more complex) types of claims are understood and taken into consideration. The basic idea, however, which morality is all about, is that there are morally valid claims to be reflected on. And the justice operations, too, can only be applied to moral claims.

As already mentioned, levels are differentiated with respect to the idea of the subjectivity of values. Now, the whole of Level I2 (Stages I2a-c) is “inter” in that due to the acknowledged subjectivity, morality necessarily has to *mediate between* the various individual orientations. As those individual values are integrated into a societal whole on Level I3 (or each trans-level), these are types of trans-individual moral thinking with regard to the aspect of the subjectivity of values (“neutralisation”). At the trans-level this problem is always overcome and thus the issue of subjectivity or relativity *neutralised*.

The aspect of *universalisation*, which governs the differentiation of major levels draws to the very basis of morality in terms of its nature. As has already been expounded in some detail, Major Level I is characterised by an absolute concept of morality. On Major Level II, however, morality is no longer derived from the individual’s own intuition, but is based on a concept of human society. This constitutes an “inter”-form, because society or the state are looked upon as the link between individuals and as the very basis of morality. One straightforward example is the conviction that laws have to be decided by democratic decision in order to be morally just. Major Level III, finally, goes beyond deriving ethics from society but rather is about deriving society from purely rational arguments. It would therefore be something similar to Kohlberg’s “prior-to-society perspective”. I will try to show what is meant exactly by these two upper major levels by giving some (hopefully) instructive examples in the next section.

## 5 A glimpse of the second and the third major level

In this section I try to give a rough outline of the subsequent stages of moral development, which is by no means exhaustive and will hopefully not cause any misunderstandings. In order to illustrate the stages I will refer to examples from the historical development of philosophical ethics, which – in my view – are not only to the point but also indicate the various progresses in the historical evolution of moral reasoning.

The transition from Major Level I to Major Level II is marked by the loss of believe in true justice in terms of absolute moral rights existing independently of man's reasoning about right and wrong. Consequently, it is now down to the individual to make up his or her own mind. Therefore, the Golden Rule ("Do unto others as you would have them do unto you") is an example of Stage II1a. It evaluates moral issues only with reference to the conscience of the agent concerned, but its scope is genuinely societal. As it were, the Golden Rule splits the former absolute rule into an indefinite number of individual morals. Historically, the Golden Rule has evolved after the downfall of the Mycenic culture, when the Greek aristocracy emerged (cf. Philippidis 1929, pp. 43-44; Dihle 1962, p. 96; Knauss 1964, pp. 100-102).

The problem was – and with respect to Stage II1a as such still is – that this entails as many moral "justices" as there are judging individuals. Or in other words: There would be no general law applying equally to everybody. In ancient Greece mediators have been called upon to settle conflicts about the morally appropriate. This role was also played by the tyrants, who re-established general laws and watched over their observance (Stage II1b; cf. Ehrenberg 1968, pp. 22-24; Salmon 1997, pp. 61-64). However, treating everybody equally is not equivalent to being just. The moral status of laws may always be doubted. But how to contrive just laws within a societal framework and on the basis of diverging individual consciousnesses? The solution that also the Greeks found lies in the democratic decision-making process, by which everybody can bring in his concerns (II1c). This was done by Solon who introduced the first democratic constitution (cf. Knauss 1964, p. 104; Salmon 1997, p. 69).

At Stage II1c the picture of society is rather harmonious, implying that everybody's claims are considered and accounted for in a disinterested manner. The sophists challenged this view by pinpointing the fact that democratic decisions are influenced by rhetoric. Again it seems to be down to each individual to press his claims through actively and somewhat egoistically, instead of waiting to be asked for his or her opinion, as it were (Stage II2a). Laws are now seen as merely positive laws, even when they have been democratically decided (cf. Pfürtner 1988, pp. 25-27; Kahn 1992, pp. 6-8). Note that here the insurmountable moral relativity comes in again at this new major level and with respect to democratic laws.

Socrates opposed the sophists' point of view, insisting that the only neutral moral ground *consisted* in the polis' laws and that as a citizen one had always agreed to the existing laws beforehand. Laws, according to him, may be criticised and reviewed, but as long as they are operative, they are sacrosanct (Stage II2b; cf. Dittrich 1964a, pp. 123, 183-184; Cooper 1992, pp. 14-15). He therefore accepted the death penalty, even though this verdict was regarded as judicial murder by many of his contemporaries. Precisely speaking, to call this verdict unjust produces the contradic-

tion that laws are at once just and unjust (cf. Rohls 1991, p. 49), which leads to Stage II2c. Socrates himself opted for the verdict being just.

Contrary to him, his successor Plato built up on this contradiction. He thought that an overarching perspective was possible, relating to the very “idea” of justice. According to him, it should be down to the “philosopher-kings” to tell right from wrong and to enact laws, as they have the clearest and most balanced view about the real interests and concerns of the people (Stage II2c; cf. Pfürtnner 1988, pp. 38-39; Cooper 1992, p. 17).

Whereas Plato started from diverging *individual* views (or from individual ethics) which he tried to reconcile, Aristotle later on started from *social* ethics in the first place from which he then derived individual ethics (Stage II3a; cf. Pfürtnner 1988, pp. 54-55).

Next comes – as far as I can see – the Epicurean social contract, which on the one hand relates to a concept of social ethics with respect to very close social relationships (the so-called “Epicurean friendship”) and on the other tries to connect these isolated “circles of friends” by establishing the idea of a social contract. (Note that this was the time of the breakdown of the Greek polis and the upcoming Hellenism, which entailed a cosmopolitical orientation). The determination of such a contract’s content, again, is down to mutual negotiation and cannot be evaluated from any superior perspective (Stage II3b; cf. Müller 1991).

This is the difficulty, the stoics tried to overcome. In order to be able to judge, whether a given social contract was just or unjust, they proposed to relate to the divine reason which every human being participates in. This objective reason is thought to be best captured in trying to be at one with the world, which they tried to achieve through “stoic tranquillity” (*ataraxia*). Note that in contrast to Stage I3c this is not about concrete absolute rules, but about the nature of the common ground on which morality as such is based, but remaining external to each individual (cf. Dittrich 1964b, pp. 18-20; Ehrenberg 1974, pp. 100-101). This ethical standpoint has been predominant for a long time including the scholastic concept of “natural law”.

The flaw or rather the deficiency of Level II lies in the fact that the very source of morality is seen as something *outside* the individual – be it nature, the state, or society. This is typical for the inter-type as it is something that links individuals without including them. The step onto Major Level III is taken with the insight that there is no objective moral ground outside the human mind (in pre-shaped natural inter-individual relations), but that all of ethics is down to human rationality.[3]

It starts with the realisation that ethical principles cannot be derived from “nature” or anything else *outside* the individual, but have to be put on rational grounds. On the one hand, this brings the reflecting subject back into a formerly externalised concept of morality and assigns it an active role. On the other hand, this – once again – leads to some sort of ethical subjectivism at

Stage III1a. Martin Luther e. g. compares the ethical situation of man with that of a traveller to Rome, who knows he has to take the right road, but does not know, which one it is. He therefore has to make up his mind himself and ultimately has to follow his own conscience (cf. Gremmels 1988, pp. 25-28). As a consequence, Luther e. g. does not approve of laws being valid in their own right – not even the ten commandments, when followed rigorously by their letter (cf. Holl 1932, p. 222).[4]

The subjective consciousnesses or individual rationalities according to Stage III1a are linked by the social contract as conceived by Hobbes (Stage III1b). Note that Hobbes grounds ethics on pure rationality and evokes what he calls an “artificial God” (Leviathan) in contrast to the “natural” or pre-existing God related to in former times.[5]

But Hobbes has no criterion for the acceptability of a social contract. It can only be seen as the contingent result of rational consideration on the part of each individual. Locke goes beyond that in formulating the general justice principle of “tolerance”. A similar pivotal point is captured by Kant’s “categorical imperative” (cf. Korsgaard 1989, pp. 210-215) or Rousseau’s concept of social contract, which differs from Hobbes’ in that it is not agreed *between* the people (“volonté de tous”), but rather everybody agrees on it *with himself* (by virtue of reason, capturing what he calls “volonté générale”; cf. *ibid.*, p. 229; Rohls 1991, pp. 278-279). All these attempts aim at a rational ground as an “objective” criterion for the evaluation of possible intersubjective stipulations (Stage III1c).

However, it has proved impossible to take such a unitary position of “objective reason” as it were. Kierkegaard and Nietzsche were among the first to discover this (cf. Schacht 1989, pp. 294-299; 1992, pp. 112-117; Rohls 1991, pp. 371-373, 377-378). After him came a long tradition of ethical relativism extending to 20<sup>th</sup> century existentialism (Stage III2a). Later, the freedom of the individual has become the most important concern in this tradition (a different freedom than that of the Enlightenment). But the problem is that of guaranteeing freedom to everybody and against the freedom of everybody else.

This highlights the need for a reciprocal tuning as to guarantee as much freedom on the whole. This has been the main concern of F. A. von Hayek, who claimed that there must be certain rules to grant as much freedom as possible to each individual (Stage III2b). But he had difficulties determining what such rules should look like. In line with the inter-type of this stage he thought it impossible to decree material rules as an individual. Rather, what he wanted was to allow as much free play for rules to evolve in spontaneous ordering processes in society as a whole (cf. Hayek 1973; Radnitzky 1994). But aren’t rules and regulations needed to make sure that free play is not obstructed?

This set the stage for reflections about second order principles with respect to a “constitution of liberty”[6]. And here the ethical philosophies of Karl Popper (cf. Hagiwara 1991) and John Rawls (1971) apply (Stage III2c). Again, these principles relate to the overall organisation of single individuals, all conceived of as utterly free in their values. Against this view, communitarians have put forward that the moral identity as well as the personal identity of the individual are influenced by the culture in which one grows up and that therefore the idea of the “unencumbered self” is an unwarranted abstraction (cf. Sandel 1982).

Here, it becomes clear that once again the shift goes from organising individuals to comprehending whole social units – in this case cultures with their different traditions (Stage III3a). And just as on the corresponding stages at the lower major levels (I3a, II3a), cultures are opposed to one another and are thought as unbridgeable (which is most evident in post-modern thinking).[7]

As we have now reached the current debate on ethical theory, I would like to refrain from speculating about the two remaining stages – not because they would still have to be “invented” (in fact there are recent developments that seem to be interpretable in this regard), but because there is too much controversy on many issues as to treat those views in one sentence each (for an in-depth treatment of Stages III3b and III3c cf. Minnameier 2000a).

## **6 Conclusion: Taking structural genetics seriously and kissing the Kohlberg theory good-bye?**

Brief as this introduction to 27 new stages has been, it should nevertheless have demonstrated that these stages are all reconstructed genetically from fundamental developmental principles and on the basis of specific moral problems that occur at each stage. It thus takes up a bill that the Kohlberg theory ought to have paid right from the start as it has always claimed to be a structural genetic approach. Neither has Kohlberg shown what the specific conflicts at each of his stages are, nor has he ever depicted the gains brought about by each stage transition. Although he has tried to work this out systematically with the help of justice operations (equality and reciprocity; cf. Kohlberg 1984), his statements on this issue have remained rather vague (this can only be asserted here; for evidence cf. Minnameier 2000a).

The new taxonomy set forth in this article may have its own defects – and, as nothing in this world is perfect, it would be a surprise if there weren’t any – but it rests on an elaborated developmental “logic” rather than being just an attempt to systematise individual empirical



judgements into types (whereby they could, in principle, be differentiated under just any aspect, which would render stage classifications quite arbitrary).

On top of this general conclusion I would like to hint at two difficulties within the Kohlbergian framework that can be fully understood in the light of the present taxonomy. Firstly, there is the well-known discussion about young children taking quite balanced perspectives, while they are thought to be still at Stage 1 (cf. Döbert 1987; Keller 1990). In the present taxonomy these relatively balanced forms of moral reasoning are revealed and accounted for in the differentiations of Major Level I. This level as a whole has been said to remain restricted to what has been called “moral realism” and thus on the one hand fulfils Kohlberg’s chief criterion for Stage 1 and allows for higher and lower sub-forms on the other.

Secondly, there has been the issue of possible regressions to Stage 2 (cf. Kohlberg/Kramer 1969) which later have been reinterpreted as Stage 4 ½ (cf. Kohlberg 1973). This “intermediate” stage (another impossible idea within the structural genetic framework) seems to be identical with the principle of Stage II2a of the present taxonomy.

Finally, and more generally, there have at all times been discussions to some extent about what the Kohlberg-stages really mean, as there have always been competing interpretations. This is quite understandable in the light of the 27-stage taxonomy, where similar ideas recur on different levels. “Socio-centric” ethics or morality e.g. can mean quite different types of moral cognition. As far as this has been a problem within the Kohlberg theory, it must have upset the whole hierarchy (and one needs only to think about how the stage descriptions of this article could be fitted into Kohlberg’s set of stages to grasp the significance of this point).

All in all, the conclusion in relation to the Kohlberg theory is twofold: Whilst the very core of the Kohlbergian approach is consolidated by establishing a developmental logic of structural genesis, its periphery in terms of stages clearly disintegrates. As has already been mentioned, the proposed new hierarchy of stages may have deficiencies of its own, but even if it were utterly wrong, the basic claims with respect to structural genetics would still be valid. Thus indeed, unless Kohlberg’s own stage hierarchy can eventually be reconstructed in a way similar to the one carried out for the present taxonomy, his stages – though not his theory as a whole – ought to be “kissed good-bye”.

## NOTES

- [1] Note that a similar triple of “stages” is assumed for the transitional process from one stage to another. This dates back to Piaget’s (1975) differentiation of three phases ( $\alpha$ ,  $\beta$ , and  $\gamma$ ) in transition, which has also been further elaborated in Minnameier (2000a). According to this reconstruction, the intra-phase marks the sensation of something going beyond the assimilative potential of the current stage (something like the exceptions to a rule), which become vicious, when disturbances can no longer be ignored as harmless exceptions, but are now viewed as veritable contradictions (*inter*). This happens when the rule and its negation, the exception, are mutually related. Finally the contradiction is overcome by employing a new principle, that allows to integrate the rule with its previous exceptions on a higher level of complexity. This is how the “*équilibration majorante*” is thought to come about.
- [2] Personally reported by Monika Keller (but cf. also Keller 1996, pp. 161-162).
- [3] Just as there was a shift in the realm of factual knowledge and metaphysics from the idea of conceiving objects or essences *as such* to the epistemological question of how human beings come to learn and know about these things, there was an analogous shift in ethics towards epistemological principles of morality.
- [4] It should be noted that subjectivism here does not yet appear in its “vicious” relativistic form (which is characteristic of Stage III2a). Rather, people are still thought to share or take part in the same common good, which is simply thought as not accessible to human intelligence. This is quite similar to the perspective of the Golden Rule one major level lower at Stage II1a (to which there also exists an analogous „vicious“ form at Stage II2a).
- [5] It is interesting in this context, that with modern times the term “nature” no longer applies to the outside world, but to the constitution and the dispositions of human beings.
- [6] Title of one of Hayek’s most influential books.
- [7] It should be added that in the meantime there have been proposals on how to bridge the intercultural “gaps” (cf. e. g. Walzer 1994).

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